

**IN THE UNITED STATES  
PATENT AND TRADEMARK OFFICE**

Applicants: Michael Rivers, Jr. and Marc. C.  
Mathis

Docket No.: 42208.0400

Serial No.: NYA

Group Art Unit: NYA

Filed: Herewith

Examiner: NYA

Title: **FREE SPINNING RIM FOR MOTORCYCLES**

**DECLARATION AND POWER OF  
ATTORNEY FOR PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled "**FREE SPINNING RIM FOR MOTORCYCLES**", the specification of which:

- ☒ is attached hereto with the accompanying Preliminary Amendment.  
☐ was filed on \_\_\_\_\_ as Application Serial No. \_\_\_\_\_ and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification and Preliminary Amendment, including the claims, as amended by the Preliminary Amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with 37 C.F.R. §1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed.

N/A			Priority Not Claimed
_____	_____	_____	[ ]
Number	Country	Filing Date	
_____	_____	_____	[ ]
Number	Country	Filing Date	

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

60/410,103	September 12, 2002
Application Number	Filing Date
Application Number	Filing Date

I hereby claim the benefit under 35 U.S.C. §120 of any United States application(s), or §365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 U.S.C. §112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. §1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

N/A		
Application Serial No.	Filing Date	Status —
Application Serial No.	Filing date	Status —

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

#### **POWER OF ATTORNEY**

As a below named inventor, I hereby appoint the following attorneys to prosecute the above-captioned United States patent application and to transact all business in the United States Patent and Trademark Office connected therewith and with the resulting patent, individually and collectively, Patrick L. Mixon, Reg. No.47,801, and:

**SNELL & WILMER L.L.P.**  
One Arizona Center  
400 East Van Buren  
Phoenix, Arizona 85004-0001  
Tel. (602) 382-6000  
Fax (602) 382-6070;

and the registered attorneys associated with Snell & Wilmer's Customer Number 020322.

**Please send all further correspondence to Snell & Wilmer L.L.P. at the above address.**

Full name of first joint inventor: Michael Rivers Jr.

Inventor's signature: 

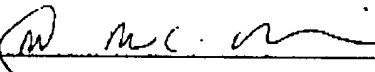
Residence: 9 Ashdale Circle, Newark, DE 19702

Citizenship: US

Post Office Address: 1148 Pulaski Hwy Suite 107-344, Bear, DE

Zip Code: 19701

Full name of second joint inventor: Marc C. Mathis

Inventor's signature: 

Residence: 118 Creekmont Court, Newark, DE

Citizenship: US

Post Office Address: 118 Creekmont Court, Newark, DE

Zip Code: 19702

I hereby certify that this Declaration of Facts by Applicants in Support of Petition to Make Special Because of Actual Infringement is being deposited with the United States Postal Service as Express Mail (EV 325940047US) in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

By

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**DECLARATION OF FACTS IN SUPPORT OF PETITION TO MAKE SPECIAL  
BECAUSE OF ACTUAL INFRINGEMENT (MPEP § 708.02)**

STATE OF Delaware )  
County of New Castle ) ss.

1. I am an original, first and joint inventor in above-identified patent application. I am knowledgeable in the field of motorcycle rims, and particularly, motorcycle rims including motorcycle spinners. I have a good knowledge of the pertinent prior art.

2. The patent application which is the subject matter of this petition, discloses a wheel spinner assembly for particular use with a wheel permitting attachment to a vehicle frame

in proximity to both sides of the wheel face. More particularly, the invention discloses a wheel spinner including a “spinner” mountable to one or both sides of the wheel, using an axle shaft disposed through a spinner central bore. In operation, the wheel spinner is permitted to independently rotate at a different angular speed than the wheel to which it is mounted. Thus, the spinner assembly of the present invention may continue to spin even where the wheel to which it is mounted comes to rest.

To facilitate the rotation of the spinner assembly independent of the rotation of the rim, a friction reducing means may be placed in communication with the spinner central bore, where in the friction reducing means is configured to fit circumspect at least one of the wheel axle shaft and wheel hub. The friction-reducing means may be any conventional means for reducing friction between adjacent mechanical parts. For example, the friction-reducing means may be any conventional bearing, ball bearing, cylindrical bearing case or the like, as is commonly known. The friction-reducing means may be sealed against the interference of dust and dirt, and may include lubrication for preserving, for example, the rotation bearings and minimizing any friction experienced by the bearing structure.

One of the features of the unique wheel spinner is that the wheel spinner is mountable on both wheel faces or on either face of the wheel. This is particularly useful for wheels which are mounted to a vehicle using an axle shaft traversing completely through the wheel central axis of rotation, for attaching the wheel to a vehicle frame on both sides. More particularly, the invention is particularly useful for any vehicle wheel wherein the rotation of either face of the wheel is perceivable by a casual observer. For example, the invention would be useful for a motorcycle rim, wherein the frame of the motorcycle attaches to the axle shaft on both sides of the motorcycle rim when mounted, and wherein either side of the rim is observable by a casual observer during operation.

2. As noted, I have a good knowledge of the pertinent art. As such, I have found no other prior art which discloses or includes the invention disclosed in the above noted application. That is, there are no prior art wheel spinners, which are capable of mounting on either face or both faces of a vehicle wheel during operation, and which rotate at a different angular speed relative to the wheel rim on which it is mounted. Typical prior art wheel spinners are either coupled to the wheel rim to enable the spinner to rotate at the same identical angular speed as the wheel rim, or are completely decoupled from the wheel rim to enable the spinner to remain stationary relative to the wheel rim rotation during operation.

By way of Example, the I direct the Examiner's attention to U.S. Patent No. 4,191,427, entitled "Simulated Knock Off Spinner Nut," issued March 4, 1980, to Bradley. The Bradley patent teaches a simulated knock off wheel spinner nut which may be attached to a wheel without having to remove the wheel of the vehicle. Since spinner nuts are typically in direct mechanical coupling to the corresponding wheel, the spinner nut rotates at the same rotation speed as the wheel. Thus, as the vehicle moves, the wheel and the spinner nut move simultaneously at an identical angular speed and may be perceived by observers outside the vehicle as a rather pleasant blur. Similar decorative spinner or "spinner nuts" are disclosed in U.S. Patent No. 3,597,003, entitled "Spinner Hub Cap", issued August 3, 1971, to Kraus, U.S. Patent No. 4,138,160, entitled "Simulated Knock Off Spinner Nut", issued February 6, 1979, to Lohmeyer, U.S. Patent No. 4,562,516, entitled "Illuminating Spinner", issued December 31, 1985, to Chastain.

The aforementioned known wheel assemblies are designed either to rotate at full rotational wheel speed when the wheels are in motion, or conversely, to fully suppress rotation of the assembly as the wheel rotates. Few techniques, however, exist that take advantage of the aesthetically pleasant visual effects that may occur if the wheel includes elements that rotate at a

different speed relative to the wheel speed, as with the claimed invention. To my knowledge, only one prior art wheel spinner assembly permits the wheel spinner to rotate at a different angular speed than the wheel on which it is mounted. Although not directed toward motorcycles, U.S. Patent No. 6,554,370, entitled "Wheel Spinner Assembly Independently Rotatable Relative to a Corresponding Wheel," issued April 29, 2003, to Fowlkes, generally discloses a system for enhancing the aesthetic appeal of an automobile wheel wherein a wheel spinner assembly rotates at a different speed relative to the wheel. Particularly, the Fowlkes patent discloses a wheel spinner assembly mountable onto a corresponding wheel or vehicle, wherein the wheel spinner rotates independently of the rotation of the wheel rim. However, the Fowlkes patent does not disclose or suggest its applicability for a wheel rim which permits a wheel spinner to be attached on either wheel face or both, wherein the wheel rim may be affixed to a vehicle frame in proximity to both wheel faces via an axle shaft. Indeed, because of the spinner mount arrangement described in Fowlkes, the Fowlkes invention may not be used with wheel rims including a central bore for insertion of an axle shaft for attachment of the wheel to a vehicle frame. This is true since the position of the Fowlkes spinner mount would necessarily interfere with the axle shaft placement.

The spinner assembly described in Fowlkes is designed to be directly affixed to a respective wheel of a vehicle by suitable fastening means, such as a plurality of bolts extending through a plurality of corresponding bolt passageways in wheel mount. The spinner mount, which is affixed to the wheel mount via a bolt disposed through the center of the spinner and spinner assembly, is designed to hold and/or support the Fowlkes spinner in free rotation relative to the wheel. Thus, the bolt for supporting the spinner and spinner mount extends at least partially through the center of spinner assembly. Consequently, the Fowlkes invention is not

suitable for use on vehicles on which the wheels include a central axle shaft or hub traversing therethrough, for attachment to a vehicle frame at opposing ends of the axle.

Particularly, conventional bicycles and motorcycles, for example, typically include an axle shaft which extends through the center of the wheel face for attachment to a front or rear fork of the vehicle frame. These vehicles typically include a front wheel, which is used for steering the vehicle and a rear wheel for providing the vehicle with forward motion. Typically, steering handles or handlebars are interconnected to the front wheel, and more particularly, to the front wheel axle shaft, via a front fork including two adjacent parallel tangs or legs which mechanically couple to and extend upward from each side of the wheel axle shaft. The tangs connect at the top of the wheel to a central steering tube attached to the handlebars. The central steering tube is rotatably mounted to the frame of the bicycle in a manner that supports the frame on the wheel's axle while permitting rotation of the central steering tube and thus allowing the front wheel to turn relative to the frame of the vehicle.

Bicycles and motorcycles also typically include a rear wheel for use in providing the vehicle with a forward motion. The rear wheel is generally affixed to the vehicle frame in between a rear fork in similar manner as is discussed with respect to the vehicle front wheel. That is the rear wheel typically includes an axle shaft traversing therethrough for use in rotatably connecting the rear wheel to vehicle frame. The rear wheel may further include other components attached thereto, such as dust seal or, drive sprockets. The rear wheel, and corresponding components, may be affixed to the vehicle by fastening the rear wheel and the components to a rear fork with the tangs of the rear fork attachable to opposite sides of the rear wheel.

As can be seen, since Fowlkes discloses a system including a spinner mount positioned centrally to the spinner assembly, the spinner mount would necessarily interfere with the axle



shaft required for attaching a motorcycle or bicycle wheel to the vehicle frame. In addition, the spinner mount and spinner assembly of Fowlkes, when taken in combination as intended, or individually, is too bulky around the wheel axis of rotation for use with a motorcycle or bicycle wheel, since little room exists for attaching the Fowlkes spinner and spinning mount between the wheel and vehicle frame. More particularly, since the Fowlkes spinner mount, and bolt for holding the spinner mount in place, are central to the wheel, the spinner mount/bolt make it impossible to traverse a shaft through the spinning mount for attachment to the motorcycle or bicycle frame on both sides, as required by most motorcycle or bicycle wheels. Consequently, the Fowlkes system is unsuitable for use with a motorcycle or bicycle wheel, or the like requiring attachment to the frame on both sides of the wheel via an axle shaft.

In view of the above, I believe that the prior art does not disclose the Free Spinning Motorcycle Rim invention of the present application, and the present application is patentable over the prior art. The above noted patents are included herein for your reference.

3. There is an actual infringement of the Free Spinning Motorcycle Rim invention of the present application. The product, which I allege infringes the claims of the above-mentioned patent application, was first discovered to exist on or around July, 2003. Of particular importance, as discussed more fully below, is that a) the alleged infringer is a former customer of an authorized seller (RiMMax Wheels) of spinning rims according to the presently claimed invention, b) the alleged infringer is also a current customer of the former spinning rim assembly manufacturer (RC Components) of the authorized seller, c) the authorized seller and former manufacturer entered into negotiations to solve a dispute regarding further manufacture of the spinning rim assemblies, d) the infringer and the former manufacturer together approached the authorized seller to suggest a three company deal which would give the infringer a reduced purchase price, (The deal was rejected by the authorized seller,) f) soon after entering into

negotiations to resolve the manufacturing dispute, the authorized seller ended its business relationship with the alleged infringer, and g) soon after the business relationship was ended, the alleged infringer began advertising spinning rim assemblies manufactured in accordance with the claims of this application.

The infringing product is being made, sold and/or reproduced by Reflections Polishing, 409 Emerick, Ypsilanti, Michigan 48198. Reflections Polishing is a company specializing in motorcycle parts, and more particularly, specializing in motorcycle rims. On or about January of 2003, Reflections Polishing, and more particularly, Mr. Jody Jenden, President of Reflections Polishing, became a customer of RiMMMax Wheels, LLC, a limited liability company formed by me and all the remaining joint inventors. With our complete grant of authority, RiMMMax Wheels engages in the sale of spinning rims for motorcycles, and more particularly, RiMMMax Wheels sells three models of a wheel spinning rim assembly for motorcycle rims manufactured in accordance with the present description and claims. That is, the spinning rim designs assemblies sold by RiMMMax Wheels are covered by the claims in the present application. In January, 2003 RiMMMax Wheels sold Reflections Polishing 1 set of its Dynasty design spinning rim, and 5 sets of its Freestyle design spinning rim.

On or about November, 2002, RiMMMax Wheels outsourced the manufacturing of the spinning rim assembly of the present invention to RC Components, 373 Mitch McConnel Way, Bowling Green, Kentucky 42101. At the time that RiMMMax Wheels engaged RC Components manufacturing services, Reflections Polishing, the alleged infringer, was an existing customer of RC Components, the former manufacturer. Reflections Polishing engages RC Components for the manufacture of various motorcycle parts and accessories, to include motorcycle rims.

On or around, May, 2003, RC Components ceased manufacturing the spinning rim assemblies for RiMMMax Wheels. As a result, RiMMMax Wheels and RC Components entered into

negotiations regarding future manufacturing of the spinning rim assemblies by RC Components. During the negotiations, both the alleged infringer Reflections Polishing via Mr. Jody Jenden and the former manufacturer RC Components via its President Mr. Rick Ball, suggested an “opportunity” involving all three companies, although no past relationship existed respecting the three. In part, the suggested opportunity involved granting Reflections Polishing a reduced rate on the purchase of spinning rim assemblies manufactured by RC Components and sold by RiMMMax Wheels. The reduced rate would be given if RiMMMax Wheels would permit Reflections Polishing to make payment for the purchase directly to RC Components. In addition, RC Components suggested that RiMMMax Wheels grant RC Components an exclusive license to manufacture spinning rim assemblies for the Harley-Davidson® motorcycle model.

RiMMMax Wheels rejected the suggested offers extended by Reflections Polishing/RC Components, and by RC Components. Further, because of the nature of the dealings between RiMMMax Wheels and Reflections Polishing/RC Components, RiMMMax Wheels severed its business relationship with Reflections Polishing. Further still, although negotiations with RC Components is ongoing, RC Components no longer manufactures the spinning rim assemblies for RiMMMax Wheels. It should be noted, however, that Reflections Polishing currently continues to have its motorcycle rims manufactured by RC Components.

4. As noted, the spinning rim assembly of the present invention is currently being infringed, through, *inter alia*, unauthorized manufacture and sale. That is, there is currently an infringing spinning rim assembly actually on the market and in use.

On or about July, 2003 I discovered that Reflections Polishing began advertising a new item, namely spinners for motorcycle wheels. I direct the Examiner to the Reflections Polishing web site ([www.reflectionspolishing.com](http://www.reflectionspolishing.com)) on which it is noted that “New Item SPINNERS” and “Spinner Rims in Stock.” The Reflections Polishing web page includes a depiction of the

spinners in action. What is seen is a spinning rim assembly rotatably mountable to a wheel face, wherein the spinner rim rotates at a different angular speed than the motorcycle wheel on which it is mounted. A motorcycle wheel hub is positioned along the central axis of rotation of the motorcycle rim, for use in attaching the wheel to a motorcycle frame. The spinner assembly depicted further rotates circumspect the motorcycle hub.


5. It should be noted, that at least two of the spinners depicted on the Reflections Polishing website are substantially identical to the models of spinning rims produced by RC Components (former manufacturer) and sold to Reflections Polishing (alleged infringer) by RiMMax Wheels. These spinners are included in design patent application no. 29/182,024 and design patent application no. 29/182,025, commonly owned by all joint inventors of the present invention. For example, the spinner depicted on the website as the “Starfighter” corresponds to the spinning rim depicted in the ‘025 application (Freestyle design), and the spinner depicted on the website as the “Wicked” corresponds to the spinning rim depicted in the ‘024 application (Dynasty design). Both the ‘024 application and the ‘025 application are approved for allowance by the United States Patent Office, in July, 2003. A copy of each design patent application and notice of allowance is included herein for your reference.

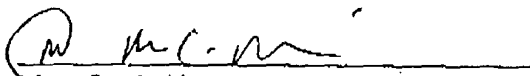
I have made a rigid comparison of the Reflections Polishing alleged infringing spinning rim assembly with the claims of the present application. The alleged spinning rim assembly is identical to the spinning rim assembly claimed, for example, in my independent claims 1, 12, and 24. Notably, the spinning rim assembly is identical to the spinning rim assemblies manufactured by my authorized seller’s former manufacture (RC Components). The spinning rim assemblies manufactured by RC Components, are covered by the claims in the application. Thus, the alleged spinning rim being sold by Reflections Polishing unquestionably infringes at least my independent claims.

6. On information and belief, the present invention is actually being infringed by other motorcycle wheel manufactures and sellers. For example, I also draw the Examiner's attention to the spinners depicted on [www.alumachrome.com](http://www.alumachrome.com) website, which is owned by Aluma-Chrome, 7909 Nc Highway 68 N, Stokesdale, NC 27357. As can be seen, the authentic spinner shown spinning is of identical design at the spinning rim shown in my '024 application noted above.

Similar to Reflections Polishing, the Aluma-Chrome website includes a depiction of an authentic spinner in action. What is seen is a spinning rim assembly rotatably mountable to a wheel face, wherein the spinner rim rotates at a different angular speed than the motorcycle wheel on which it is mounted. A motorcycle wheel hub is positioned along the central axis of rotation of the motorcycle rim, for use in attaching the wheel to a motorcycle frame. The spinner assembly depicted further rotates circumspect the motorcycle hub. Thus, on information and belief, the spinning rim assemblies sold by Aluma-Chrome likewise infringe the present application.

7. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application of or any patent issued thereon.

  
Michael Rivers, Jr.

  
Marc C. Mathis

**CERTIFICATE OF MAILING PURSUANT TO 37 C.F.R. §1.8**

I hereby certify that this Declaration by Attorney in Support of Petition to Make Special Because of Actual Infringement is being deposited with the United States Postal Service as Express Mail (EV 3259400747US) in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on:

Date: September 12, 2003

By: 

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventor:	Michael Rivers, Jr. Marc C. Mathis	Docket No.:	42208.0400
Serial No.:	NYA	Group Art No.:	NYA
Filing Date:	September 12, 2003	Examiner:	TBA
Title:	<b>FREE SPINNING RIM FOR MOTORCYCLES</b>		

**DECLARATION BY ATTORNEY IN SUPPORT OF PETITION TO  
MAKE SPECIAL BECAUSE OF ACTUAL INFRINGEMENT (MPEP § 708.02)**

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

STATE OF ARIZONA       )  
                                      ) ss.  
County of Maricopa       )

I, Patrick L. Mixon, Reg. No. 37,801, of Snell & Wilmer L.L.P., One Arizona Center, 400 E. Van Buren, Phoenix, Arizona 85004-2202, (602) 382-6274, am the attorney for the Applicants in this case and make the following declarations:

1. I have made a rigid comparison of the alleged infringing product, referred to in the accompanying declaration of Michael Rivers, Jr. and Marc C. Mathis, with the

claims of this application and at least some of the claims of the above-mentioned application are unquestionably infringed.

2. The patent application discloses a free spinning rim for motorcycles. More particularly, the application discloses a spinning rim assembly including a spinning rim rotatable about a wheel axle shaft and/or wheel hub. That is, the spinning rim includes a central bore through which the wheel axle shaft and or hub may be fitted, for supporting spinning rim rotation.

One of the features of the unique free spinning rim invention is that the spinning rim assembly is mountable on either face, or both faces, of a vehicle wheel including an axle shaft through its central axis of rotation. As noted, the axle shaft may be fitted within the spinner central bore for supporting the spinner rim rotation. The axle shaft is used to affix the vehicle wheel, including the spinner assembly, to a vehicle frame in proximity to both a first and second wheel face.

In my opinion, *inter alia*, independent claims 1, 12 and 23 on file in this application would be infringed by the Reflections Polishing product. For example, the Reflections Polishing product includes a spinning rim (e.g., "spinner") rotatably mounted to a wheel in proximity to a first face of the wheel, wherein the spinner includes a central bore through which a wheel hub is inserted, and about which the spinner rotates. More particularly, claims 1, 12 and 23 recite:

1. (Original) A wheel spinner assembly mountable to a  
first wheel face and second wheel face of a wheel of a vehicle,  
the assembly comprising:

a. a spinner rotatably mountable to said wheel in proximity to at least one of said first and second wheel face, said spinner including a spinner central bore through which at least one of a wheel axle shaft and wheel hub is insertable during mounting to said wheel, wherein said spinner rotates around said at least one said wheel axle shaft and wheel hub when mounted; and

b. a friction reducing means in physical communication with said spinner central bore, said friction reducing means configured to be fitted circumspect at least one of said wheel axle shaft and wheel hub, said friction reducing means supporting said spinner.

12. (Currently Added) A wheel spinner assembly mountable to a first wheel face and second wheel face of a wheel of a vehicle, the assembly comprising:

a. a first and second spinner rotatably mountable to said wheel, said first spinner rotatably mountable in proximity to said first wheel face and said second spinner mountable in proximity to said first wheel face, said first and second spinner including a spinner central bore through which at least one of a wheel axle shaft and wheel hub is insertable during mounting to said wheel; and

b. a first and second friction reducing means, said first friction reducing means in physical communication



with said first spinner central bore, said second friction reducing means in physical communication with said second spinner central bore, said first and second friction reducing means configured to be fitted circumspect at least one of said wheel axle shaft and wheel hub, said first friction reducing means supporting said first spinner, and said second friction reducing means supporting said second spinner; and wherein said spinner rotates around said at least one of said wheel axle shaft and wheel hub, when mounted.

23. (Currently Added) A method for providing a free rotation spinner assembly mountable to a vehicle wheel, comprising:

- a. providing a spinner adjacent to, but not in physical contact with, a wheel face of the vehicle wheel, the spinner including a spinner central bore through which at least one of a wheel axle shaft and a wheel hub is insertable during mounting; and
- b. providing a friction reducing means in physical communication with said spinner bore, said friction reducing means configured to be fitted circumspect at least one of said wheel axle shaft and said wheel hub, said friction reducing means supporting said spinner for providing free rotation.

3. I have conducted a careful and thorough search of the prior art, and I am unaware of any prior art reference that would anticipate the pending claims.

4. I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application of or any patent issued thereon.

Date: September 12, 2003



\_\_\_\_\_  
Patrick L. Mixon  
Reg. No. 47,801

**Snell & Wilmer L.L.P.**

One Arizona Center  
400 East Van Buren  
Phoenix, AZ 85004-0001  
Direct: (602) 382-6274  
Fax: (602) 382-6070  
Email: pmixon@swlaw.com